

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TUG CONSTRUCTION LLC,

Plaintiff,

v.

HARLEY MARINE FINANCING LLC,

Defendant.

CASE NO. 2:19-CV-00632-BAT

**ORDER REGARDING REVISION
OF JUDGMENT**

The Court entered Judgment in favor of Plaintiff Tug Construction LLC on November 28, 2022. Dkt. 123. On January 17, 2023, the Court granted Defendant Harley Marine Financing LLC's motion to stay enforcement of the Judgment pending outcome of Defendant's appeal. Dkt. 132. On February 15, 2024, the Ninth Circuit Court of Appeals affirmed this Court's decision. Dkt. 135. On April 2, 2024, the Ninth Circuit Court of Appeals stayed the mandate pending Defendants' appeal to the Supreme Court. Dkt. 137.

On October 7, 2024, the Supreme Court denied Defendant's petition for a writ of certiorari (Dkt. 140) and on the same day the Ninth Circuit Court of Appeals issued a mandate that affirmed the Judgment it issued on February 15, 2024, and making that judgment effective as of October 7, 2024. Dkt. 141. Following the parties' submissions regarding an award of attorneys' fees and costs under the parties' contractual agreements for the appeal taken in this case, the Ninth Circuit awarded attorneys' fees and non-taxable costs in the amount of \$113,362.10 in favor of Plaintiff and against Defendant. Dkt. 144.

1 Based upon the foregoing, the Court **DIRECTS**: Plaintiff to submit a proposed amended
2 judgment to the Court to include interest allowable by law from the date of this Court's
3 Judgment pursuant to FRAP Rule 37. Plaintiff shall submit the proposed amended judgment, by
4 **December 2, 2024**; Defendant may file a response by **December 9, 2024**; and Plaintiff may file
5 a reply by **December 13, 2024**.

6 DATED this 20th day of November, 2024.

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9 BRIAN A. TSUCHIDA
United States Magistrate Judge